

Application No. 10/031,399
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(KUS.002)

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BEST AVAILABLE COPY**REMARKS**

Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and is believed to place the present application in condition for immediate allowance.

An excess claim fee payment letter is submitted herewith for twelve (12) excess independent claims.

Claims 1-20 and 22-37 are all the claims presently pending in the application.

Applicant gratefully acknowledges that **claims 4-7, 10-17, and 20** would be allowable if rewritten in independent form, and that **claims 23-26, 28, and 34** also would be allowable if rewritten in independent form and amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, as set forth below.

Allowable claims 4-7, 10-12, 14-17, and 20 have been amended merely to rewrite these claims in independent form. Allowable claim 13 should be allowed (without being rewritten in independent form) by virtue of its dependency from allowable claim 4.

Thus, allowable claims 4-7, 10-17, and 20 should be allowed.

Also, Applicant respectfully submits that allowable claims 23-26, 28, and 34 should be allowed in their present form for the reasons set forth below.

Independent claim 1 also has been amended to incorporate all of the recitations of claim 21 to define more clearly the features of the present invention. Claim 21 correspondingly is canceled without prejudice or disclaimer. Thus, no further search should be necessary since claim 21 was examined in the present Office Action.

Claim 31 similarly is amended to include features somewhat similar to claim 21. Thus, no further search should be necessary since this combination of features (i.e., claim 21) was searched and examined in the present Office Action.

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Claims 23, 28, 31, 34 and 37 have been amended to define more clearly the features of the present invention, thereby overcoming the rejection under 35 U.S.C. § 112, second paragraph, as set forth below.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 23, 28, 31, 34, and 37 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-3, 8, 9, 18, 19, 21, 22, 27, 29-33, and 35-37 stand rejected on prior art grounds under 35 U.S.C. § 102(e) as being anticipated by Sakurai, et al. (U.S. Patent No. 6,345,030).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to a disc player.

In an illustrative, non-limiting embodiment of the invention, as defined by independent claim 1, a disc player includes a positioning unit for positioning a disc, a clamper unit for performing a clamp operation on the disc positioned by the positioning unit, and a drive unit that includes a pickup and a turntable, and rotates the disc clamped on the turntable by the clamp unit to take out information from the disc by the pickup, wherein the positioning unit and the clamper unit are provided separately from each other

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and movable substantially vertically to the drive unit and wherein the positioning unit positions the disc in a direction parallel to the drive unit.

That is, the positioning unit according to the claimed invention positions the disc, not only in the vertical direction, but also in the lateral direction with respect to the drive unit (i.e., direction parallel to the drive unit), such that the disc can be clamped to the turntable by the clasper unit and rotated by the drive unit.

Thus, since the positioning unit and the clasper unit are provided separately from each other and movable substantially vertically to the drive unit, the claimed invention can maintain a thin structure for the disc player (e.g., see specification at page 3, lines 13-20).

Moreover, the positioning unit of the disc player according to the claimed invention can accommodate discs having the same diameter, or discs of a plurality of different diameters. That is, the positioning unit of the disc player according to the claimed invention can be adapted to a disc player that accommodates, for example, only 8 cm diameter discs, only 12 cm diameter discs, or both 8 cm and 12 cm diameter discs.

Thus, the claimed invention is applicable to a disc player adapted to different kinds of discs different in diameter and/or to a disc player adapted to the same kind of discs having the same diameter.

II. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION

Claims 23, 28, 31, 34, and 37 stand rejected under 35 U.S.C. § 112, second paragraph. (As set forth above, claims 23, 28, and 34 are indicated as being allowable if the rejection under 35 U.S.C. § 112 is overcome.)

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Claims 23, 28, 31, 34, and 37 are amended to define more clearly the features of the present invention, thereby overcoming the rejection under 35 U.S.C. § 112, second paragraph.

Therefore, the Examiner respectfully is requested to withdraw the rejection of claims 23, 28, 31, 34, and 37 under 35 U.S.C. § 112, second paragraph.

Applicant notes that, as mentioned above, claims 23, 28, and 34 have been indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph. However, Applicant submits that all of claims 23, 28, 31, 34, and 37 are in condition for allowance.

III. THE PRIOR ART REJECTION

Claims 1-3, 8, 9, 18, 19, 21, 22, 27, 29-33, and 35-37 stand rejected on prior art grounds under 35 U.S.C. § 102(e) as being anticipated by Sakurai.

Applicant respectfully submits, however, that Sakurai does not disclose or suggest all of the elements of the claimed invention, or for that matter, the advantages derived therefrom. Therefore, Sakurai clearly does not anticipate, or render obvious, the claimed invention.

A. Independent Claim 1 and claims 22 and 27:

With respect to claim 1 (which includes the features of claim 21), 22, and 27, the Examiner alleges that Sakurai "*shows that the positioning unit positions the disc in a direction parallel to/or other than vertically to (sic) the drive unit since the positioning unit positions the disc on the turntable having all X, Y, and Z coordinates fixed*" (see Office Action at page 4, lines 17-20; emphasis added).

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Applicant respectfully disagrees with the Examiner's position, and therefore, traverses this rejection.

For example, independent claim 1 defines a disc player including:

a positioning unit for positioning a disc;
a clamper unit for performing a clamp operation on the disc positioned by said positioning unit; and
a drive unit that includes a pickup and a turntable, and rotates the disc clamped on the turntable by said clamper unit to take out information from the disc by said pickup,
wherein said positioning unit and said clamper unit are provided separately from each other and are movable substantially vertically to said drive unit, and
wherein said positioning unit positions said disc in a direction parallel to said drive unit (emphasis added).

On the other hand, dependent claim 22 recites, *inter alia*, that "said positioning unit positions said disc in a direction other than vertically to said drive unit" (emphasis added).

Further, claim 27 recites, *inter alia*, that "said positioning unit positions said disc in a direction parallel to said drive unit and aligns said disc for rotating by said drive unit" (emphasis added).

As shown in Figure 6 of Sakurai, each disc guide 11 (which the Examiner alleges is comparable to the claimed "positioning unit") only supports the discs in the vertical direction.

That is, as shown in Figure 6 of Sakurai, the discs D1 and D2 pass through the upper and lower ribs 11A and 11B and extend out from both sides of the disc guide 11.

Clearly, no part of the disc guide 11 of Sakurai positively restrains, limits, guides, or positions the discs D1 and D2 in the horizontal position. The discs D1 and D2 are free to move unrestrained in the horizontal direction (i.e., X1 -X2 direction) within the ribs 11A and 11B.

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Instead, the horizontal positioning of the discs D1 and D2 specifically is provided by the transfer roller R in combination with the detection devices 12 and 15 (e.g., see Sakurai at column 6, lines 45-67, and column 7, lines 1-44).

In other words, the Sakurai device clearly does not disclose or suggest the claimed disc player which includes, among other things, a positioning unit for positioning a disc and a clamper unit for performing a clamp operation on the disc positioned by the positioning unit, "wherein said positioning unit positions said disc in a direction parallel to said drive unit", as recited, for example, in independent claim 1.

That is, the positioning unit according to the claimed invention positions the disc, not only in the vertical direction, but also in the lateral direction with respect to the drive unit (i.e., direction parallel to the drive unit), such that the disc can be clamped to the turntable by the clamper unit and rotated by the drive unit.

Thus, since the positioning unit and the clamper unit are provided separately from each other and movable substantially vertically to the drive unit, the claimed invention can maintain a thin structure for the disc player (e.g., see specification at page 3, lines 13-20).

Moreover, the positioning unit of the disc player according to the claimed invention can accommodate discs having the same diameter, or discs of a plurality of different diameters. That is, the positioning unit of the disc player according to the claimed invention can be adapted to a disc player that accommodates, for example, only 8 cm diameter discs, only 12 cm diameter discs, or both 8 cm and 12 cm diameter discs.

Thus, unlike the device of Sakurai, the claimed invention is applicable to a disc player adapted to different kinds of discs different in diameter and/or to a disc player adapted to the same kind of discs having the same diameter. As would be known to the

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ordinarily skilled artisan, the positioning unit of the disc player according to the claimed invention has an advantage of being capable of accommodating discs of a set diameter and/or discs having a plurality of different diameters, and is not limited to the examples set forth above.

On the other hand, the device of Sakurai clearly cannot perform the functions of the claimed invention or provide the advantages derived from the claimed invention. Indeed, the device of Sakurai provides a structure with an increased thickness, since the pair of disc guides 11 temporarily supports the discs one on top of the other (e.g., see Sakurai at column 5, lines 25-27).

Thus, for the foregoing reasons, Applicant respectfully submits that Sakurai clearly does not disclose or suggest all of the features of independent claim 1 (and claims 22 and 27). Therefore, the Examiner is requested to withdraw this rejection and permit these claims to pass to allowance.

Dependent claims 2, 3, 8, 9, 18, 19, 21, 22, 27, 29, and 30 also are in condition for immediate allowance by virtue of their respective dependencies from claim 1, as well as for the additional features recited therein.

B. Claims 8, 9, 18, 19, 29, and 30:

Applicant respectfully submits that claims 8, 9, 18, 19, 29, and 30 also are not anticipated by, or rendered obvious from, Sakurai at least by virtue of their respective dependencies from claim 1, as well as for the additional features recited therein.

For example, claims 8 and 18 each recite, *inter alia*, that “the moving amounts of said positioning unit and said clamper unit include different values.” On the other hand, claim 9

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recites, *inter alia*, that “the moving amount of said clasper unit includes a value larger than that of said positioning unit.”

Further, claim 19 recites, *inter alia*, that “the moving amounts of said positioning unit and said clasper unit include different values.”

Moreover, claims 29 and 30 each recite, *inter alia*, that “the moving amounts of said positioning unit and said clasper unit comprise vertical moving amounts with respect to said drive plate”.

In the Office Action, the Examiner alleges that Sakurai discloses that the moving amounts of the positioning unit and the clasper unit include different values (e.g., see Office Action at page 3, lines 16-18).

In the “Response to Arguments”, the Examiner further states that “*Applicant argues that Examiner cannot rely on the drawing to show the proportion of the element, which refers to the lengths of the groove 4c and 4d in Reference’s Fig. 2 (sic). Examiner’s answer: in this recitation, Examiner only uses the relative positions of the grooves rather than the proportion of the drawing. It is clear in Figs. 2 and 4, 4c and 4d start at almost same height and 4c ends at a much higher height*” (e.g., see Office Action at page 8, numbered paragraph 5, lines 3-6; emphasis added). Applicant respectfully disagrees with the Examiner’s position.

As the Examiner points out, elements 4c and 4d are grooves (or guide slots) formed in the inner casing 4 of the Sakurai device (e.g., see Sakurai at column 3, lines 53-55).

However, as clearly shown in Figure 2 of Sakurai, both of the moving pins 9b and 10b are penetrated through the same guide slot 4c (e.g., see also, Sakurai at column 5, lines 20-24).

Thus, the pins 9b and 10b do not (and cannot) move along the entire length of the same guide slot 4c. As such, even assuming *arguendo* that the lengths and/or relative positions of the guide slots 4c and 4d were disclosed (which Sakurai clearly does not show),

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the vertical length of the guide slots 4c and 4d clearly is not a reasonable indication of the vertical moving amounts of the plates (i.e., via movement of the pins in the grooves).

Accordingly, Applicant submits that Sakurai clearly does not disclose or suggest, or for that matter even mention, the lengths of the grooves 4c and 4d or the vertical movement resulting from the movement of the pins in the grooves.

Therefore, Applicant submits that dependent claims 8, 9, 18, 19, 29, and 30 also are not anticipated by, or rendered obvious from, Sakurai by virtue of the additional features recited therein.

C. Claim 31:

Applicants respectfully submit that, for somewhat similar reasons as those set forth above with respect to independent claim 1, Sakurai also clearly does not disclose or suggest the features recited in claim 31.

For example, claim 31 defines a method of playing a disc in a disc player, including:

positioning a disc in a lateral direction;
performing a vertical clamping operation on the disc after said disc
is laterally positioned for clamping said disc on a turntable; and
rotating said disc clamped on said turntable by said clamping to
take out information from the disc by said pickup,
wherein said positioning unit and said clamping unit are provided
separately from each other and movable substantially vertically to said
drive unit, and
wherein said positioning unit positions said disc in a direction
parallel to said drive unit" (emphasis added).

As mentioned above, Sakurai clearly does not disclose or suggest that the
"positioning unit and said clamping unit are provided separately from each other and
movable substantially vertically to said drive unit, and ...said positioning unit
positions said disc in a direction parallel to said drive unit" as defined by claim 31.

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That is, as shown in Figure 6 of Sakurai, each disc guide 11 (which the Examiner alleges is comparable to the claimed "positioning unit") only supports the discs in the vertical direction. Clearly, no part of the disc guide 11 of Sakurai positively restrains, limits, guides, or positions the discs D1 and D2 in the horizontal position. The discs D1 and D2 are free to move unrestrained in the horizontal direction (i.e., X1 -X2 direction) within the ribs 11A and 11B.

Instead, the horizontal positioning of the discs D1 and D2 specifically is provided by the transfer roller R in combination with the detection devices 12 and 15 (e.g., see Sakurai at column 6, lines 45-67, and column 7, lines 1-44).

Therefore, Applicant respectfully requests that the Examiner withdraw this rejection and permit claim 31 to pass to immediate allowance.

D. Claims 32, 33, and 35-37:

Applicant respectfully submits that Sakurai does not disclose or suggest all of the elements of claim 32, 33, and 35-37, and therefore, that Sakurai clearly does not anticipate, or render obvious, the claimed invention.

For example, independent claim 32 recites, *inter alia*, a disc player, including:

means for positioning a disc in a lateral direction for rotating by a drive unit and to take out information from the disc by a pickup of said drive unit;

means for performing a vertical clamping operation on the disc after said disc is laterally positioned for rotating said disc on a turntable of said drive unit;

wherein said means for positioning and said means for clamping are provided separately from each other and movable substantially vertically to said drive unit (emphasis added).

In the present Office Action, the Examiner alleges that Sakurai discloses all of the features of claim 32. However, the Examiner does not provide any support for this assertion.

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Indeed, the Examiner has not identified the structure, equivalents thereof, or identity of function necessary for the claimed “means for positioning” or “means for performing”, as recited in claims 32-37.

Therefore, Applicant respectfully submits that the Office Action fails to establish a prima facie case with respect to claims 32, 33, and 35-37. That is, the Examiner must at least identify the structure, equivalents thereof, or identity of function necessary for the claimed “means for positioning” or “means for performing”, as recited in claims 32-37, to establish a *prima facie* case that such features are shown by the Sakurai reference.

Accordingly, Applicant reserves the right to respond to the Examiner’s position when such a *prima facie* case is established.

For the foregoing reasons, Applicant submits that all of the claims (i.e., claims 1-20 and 22-37) are in condition for immediate allowance, and therefore, respectfully requests the same.

IV. FORMAL MATTERS AND CONCLUSION

Applicant also respectfully requests that the Examiner accept and approve the formal replacement drawings filed on September 3, 2004.

In view of the foregoing, Applicant submits that claims 1-20 and 22-37, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone

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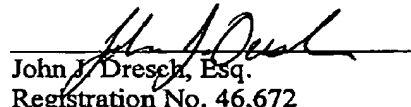
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number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

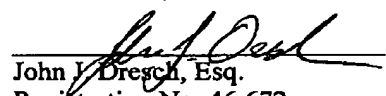
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Tianjie Chen on February 11, 2005.


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